

# Town of Weare

## ZONING BOARD OF ADJUSTMENT

15 Flanders Memorial Road

PO Box 190

Weare, NH 03281

Phone: 603.529.2250

Fax: 603.529.7527

### MEETING MINUTES

Tuesday, May 7, 2013

**\*\*FINAL COPY\*\***

**PRESENT:** Chairman Jack Dearborn; Vice Chairman, Forrest Esenwine; Malcolm Wright, Member; June Purington, Member; Stu Richmond, Member; Marc Morette, Alternate; Sheila Savaria, Recording Secretary.

**GUESTS:** Don (Rogers), Steve W. Hart, Raymond (Debioni), Peter Proulx, Ginger Esenwine

#### **I. INTRODUCTION:**

Chairman Jack Dearborn called the meeting to order at 7:30 PM, explained how the Board does business, and asked the members of the Board to introduce themselves.

#### **II. PUBLIC HEARINGS:**

Case #0113 Application for Rehearing: Alain Provost, 153 Thorndike Road  
Administrative Appeal to Building Officials Interpretation of  
Article 17.2.4 to allow a home business (gun shop) at  
161 Thorndike Road, Tax Map 404-114, Residential Zone.

Attorney Sakellarios filed a motion for rehearing of Case #0313, and Attorney Soltani sent a letter to the board regarding the rehearing. Chairman Dearborn also received a non-abutter letter from Mary P. Carpen, 199 Concord Stage Road, dated 4/24/13, received by the Building Department 5/2/13.

Forrest Esenwine moved to grant the rehearing; Stu Richmond seconded. Discussion: Regarding the letter from Sakellarios, Esenwine feels there is nothing different presented then what they heard at the hearing. Esenwine says there are several issues for not granting the appeal. The time element of 4 years as opposed to 30 days does not fall within the guidelines of the statute for being a reasonable amount of time, and Atty. Sakellarios should have known that and gone directly to Superior Court. Sakellarios felt he was in the 30 days allowance for filing an appeal from the date of Naomi Bolton's Cease and Desist order, but he did not file an appeal on her decision, so it was out of place in that hearing. Also, Esenwine said Sakellarios accused Chairman Dearborn of having a conflict of interest and said he should have recused himself because he was a customer of the defendant. Chairman Dearborn had disclosed that information himself and said he could be unbiased, which he was. Dearborn had asked if anyone had a problem with him being a customer of Mr. Stevens and he'd recuse himself, and no one, including Atty. Sakellarios, said anything, so he sat as Chairman of the Board for the case. The minutes do not reflect those statements from Mr. Dearborn, but in Atty. Soltani's letter, it stated it very clearly. For these reasons and because there is no new information, Esenwine said they should vote against the rehearing.

For the record, Chairman Dearborn explained his involvement with Mr. Stevens. Dearborn found the gunsmith shop via a Google search. He called Classic Armorer to schedule a drop-off at 161 Thorndike Road. A couple weeks later, he picked up his firearm at the same address. Dearborn also received a firearms training course in the late spring or early summer of 2010.

All members voted against granting the rehearing. 0-5-0. Case #0113 is closed.

Case #0313 Variance from Article 17.1.1, Building on a Class VI Road

Chimenti, Horse Spring Hill Road  
Map 409, Lots 168, 169, & 170, Residential Zone

The Board received an email from Art\ Siciliano requesting that this case be continued until the next meeting.

Forrest Esenwine moved for case #0313 to be continued to June 4, 2013; June Purington seconded, all voted in favor.

**III. OTHER BUSINESS:**

Minutes: June Purington moved to accept the March 5, 2013 minutes; Stu Richmond seconded, all voted in favor. Forrest Esenwine abstained.

Stu Richmond moved to accept the April 2, 2013 minutes; June Purington seconded, all voted in favor.

**IV. ADJOURNMENT:** As there was no other business to come before the board, Forrest Esenwine moved to adjourn at 7:55 pm; June Purington seconded, all voted in favor.

Respectfully Submitted,

Sheila Savaria  
Recording Secretary